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TO : The Secretary
Through S/S-S

FROM : INR - Roger Hilsman

SUBJECT: Recent Changes in President Ayub's Political Position

When President Ayub Khan visited Washington in July 1961 he was the military dictator of Pakistan. He will return to the United States this month as the constitutional president of his country. In the transition to constitutional government his political position at home has undergone significant changes, which it is the purpose of this memorandum to assess.

ABSTRACT

Although President Ayub still controls the essentials of power in Pakistan, the change to constitutional rule has weakened his political position. The constitution, which gives little power to the legislative or judicial branches of government, has been under attack, particularly in East Pakistan, as undemocratic. Opposition to Ayub and the new constitution has taken two principal forms: (a) hostility by regional and ethnic groups against the Punjabis, who dominate the regime, and (b) opposition by urbanized intellectuals to Ayub's disregard for the basic principles of justice introduced under British rule.

Ayub has given way on some constitutional points in an effort to relieve political pressures, but his basic attitude and statements indicate that he is not likely to make any concessions which would seriously weaken his power. When Ayub returns from his present trip abroad he will face a critical test of leadership. His political future may be affected decisively by the attitude of the armed forces. Dissatisfaction on the part of some high-ranking officers, and perhaps also a more general falling off of regard for Ayub within the army generally, make it unlikely that the army would follow Ayub as loyally as it did in 1958 should he feel impelled to suspend the constitution and reimpose martial law.

The Constitutional Issue

Forty-four months after the 1958 military coup Ayub brought martial law to an end on June 8, 1962, and presented his budget to a National Assembly elected under a new constitution. In the process, however, his

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domestic political position was weakened. The basic difficulty which has put Ayub on the defensive is the constitutional issue. It is, in brief, the same fundamental problem that has harassed every Pakistan government since 1947. Ayub's constitution, presented to the public as an act of personal fiat on March 1, 1962, establishes a presidential and federal form of government; administration is decentralized for efficiency's sake, but power is centralized for the sake of stability. Ayub surrenders few of his powers under the constitution. For example, the constitution gives the legislature almost no say in preparing the budget and none at all with respect to important appointments, while the courts have lost their power to declare laws unconstitutional and to hear cases involving fundamental rights. The initial electorate that chose the members of the national and provincial assemblies of East and West Pakistan was limited to the 80,000-odd members of the so-called basic democracies system. Ayub's principal aim in this constitution was to devise a system which would permit him to run the country and carry out the Five Year Plan with little interference by the legislative and judicial branches of government.

The elections for the three assemblies established by the constitution were held under a martial-law regulation making political activity an offense. The elections appeared to arouse little public interest. Corruption and official pressure significantly influenced the results, especially in West Pakistan. In the absence of organized political activity, the elections consisted of a series of unconnected factional contests in which the main aim of many contestants was to validate their personal claims to status and official preferment. Political activity began to spread rapidly after the end of martial law. Mass meetings were organized in different centers and the so-called "discredited" politicians found it easy to arouse their audiences by attacking the constitution as undemocratic.

A group of nine Bangali politicians issued a clear-cut statement on June 25 which established the lines upon which the present battle is being fought. They took the extreme position of attacking Ayub's constitution as unworkable. In their view, a constitution cannot be durable unless it is framed by the direct representatives of the people. A "special body" should be elected as soon as possible for this purpose. In the interim, the Bengali group urged the release of political prisoners and the revival of the judiciary's authority to hear cases involving fundamental rights. The statement characterized political parties as the "very breath" of representative democracy and stressed the importance of regular and periodic elections. Opposition to the constitution is now so well established in East Pakistan that Ayub appears to be virtually without support there, at least among those who can claim to be representative leaders.

Ayub sought to tame the National Assembly by divide-and-rule tactics, but achieved success only at the cost of sacrificing elements of his

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presidential system. He obtained the support of a group of Bengali representatives by amending the constitution to permit cabinet ministers to keep their seats in the National Assembly. This step in the direction of orthodox parliamentary practice was followed by the establishment of debating rules which allowed for the questioning of Ayub's ministers, thereby re-establishing a system of interpellation. It soon became obvious that Ayub's need for the support of a disciplined political party was urgent. Despite the restricted electorate, energetic and knowledgeable opposition members were present in sufficient number to keep Ayub's handpicked ministers looking defensive and ineffectual. Ayub needed a party also to bear the onus of imposing additional taxes required by Pakistan's commitments to the international lenders' consortium. Over bitter opposition the Assembly passed legislation to permit a controlled party system to develop, and Ayub at once engaged the government's resources and influence -- at times resorting to strong-arm methods -- in an attempt to capture the Muslim League under the guise of organizing a broad-based national party. A convention was held to this end, but a national party did not emerge. For the core of the Muslim League appears to be those same conservative landlords whom former President Mirza, in his day, had corralled into the so-called Republican Party in order to disrupt the Muslim League after the 1956 Constitution was adopted. Ayub appears to have even less support among the Bengalis than Mirza did then.

Ethnic and Regional Tensions

The past year has witnessed a serious increase in ethnic group tensions in Pakistan. Ethnic rivalries have recently surfaced within the power structure of Pakistan, including the armed forces, in a way which is ominous for the future of the Ayub regime.

Pakistan may be pictured as a group of outlying regions -- Baluchistan, Sind, the Frontier, and East Bengal -- ranged in hostility against the Punjabi core-area of power. The Punjabis dominate the regime while the other regions feel themselves politically disenfranchised, economically exploited, and the victims of cultural programs which are intended to destroy their national character and self-respect. Foreign policy, too, is influenced by these rivalries. A friendly or soft policy toward Afghanistan, for example, is regarded as inherently anti-Punjabi because it tends to strengthen the Pashtuns as a competing group. Kashmir is another issue which is affected by Pakistani regionalism: anti-Indian feeling over Kashmir is strongest, regionally speaking, in the Punjab and among the refugees of Karachi; it is moderate in the Frontier and weakest of all among the Bengalis.

The sudden shift in Pakistani policy toward Afghanistan in August 1961, when the Afghan consulates in the Frontier region were closed on the

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grounds that they were being used for subversive activities, had significant regional implications. The dissatisfaction in the area, which the Afghans were able to exploit, was directed primarily against the Pakistan Government's policy of administering all of West Pakistan as a single province -- the so-called One Unit -- and of prescribing cultural and educational policies designed to create a uniform national character for Pakistan. The harsh measures employed by the regime to dominate the Frontier have clearly failed to achieve their objective. Although the region is depressed, the will of the Pushtuns to resist remains strong and the Pushtun nationalist followers of Ghaffar Khan, the imprisoned "Frontier Gandhi," appear certain to be the unintended beneficiaries of Ayub's actions. There is evidence that these tensions are beginning to weaken the cohesion of the army, also. In May 1962, a leading Pushtun officer, Major General Jillani, expressed great dismay over Ayub's policies toward Afghanistan and India and over the removal of popular Pushtun generals from the army.

The most dramatic revelations concerned Baluchistan, however. In speeches delivered in the National Assembly and the Provincial Assembly of West Pakistan two Baluchi tribal chiefs charged the Pakistan Army with reprisals marred by "inhuman tortures" and "blood-drenched" violence. These charges against the army, unprecedented in the history of Pakistan, forced the government to admit that a rebellion had in fact taken place in Baluchistan during the martial-law period. The government has since begun a new series of arrests to prevent the creation of a Baluchi-Sindhi-Pushtun front against the constitution.

In East Pakistan the trend throughout the year has been markedly negative for Ayub's fortunes. The arrest of ex-Prime Minister Suhrawardy on January 30, 1962, triggered a series of anti-government demonstrations; opposition to the regime has since become the dominant feature of the province's political life. The students are in the forefront of this upsurge; they have torn Ayub's picture to shreds, booted his ministers off platforms, and burned copies of the constitution. Most important of all, the students have unintentionally provided a leader who can act as a personal focus for the country's anti-Ayub forces. For General Azam, an ambitious Pushtun political adventurer, resigned as East Pakistan Governor under circumstances which made it appear to the public that he had refused to carry out Ayub's orders to open fire on the students.

Opposition Among the Urban Intellectuals

Ayub's arbitrary and opportunistic approach to the law has made his restrictions on the authority of the courts a vital issue. Broadly speaking, the opposing sides on this issue are Ayub and his inner circle of advisers, and the professional, educational, and intellectual groups whose numbers have expanded so rapidly in the cities of Pakistan since 1947. Of

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all groups in Pakistan these have most thoroughly absorbed English concepts of law and justice. They appear unanimously agreed that fundamental rights should be safeguarded by the constitution and made justiciable in the courts, and that political leaders should not be barred from participation in public life by summary legislation and star-chamber methods. The arrest of Suhrawardy helped to dramatize this long-standing difference in outlook. Bar associations throughout the country insisted that Suhrawardy should be tried in open court. And another round of protest resolutions followed Ayub's issuance of a special amendment of the Criminal Procedure Code to prevent a habeas corpus action for Suhrawardy's benefit.

Ayub's disregard for the fundamentals of British justice was dramatically illustrated by his issuance of an ordinance in February 1962 which authorized the Governor to extend the Frontier Crimes Regulations to other parts of West Pakistan. This extraordinary measure was prompted by a sharp increase in armed robberies and murders in the rural areas, but it can also be applied to large cities like Karachi and Lahore. The Regulations, for decades an object of opprobrium in the Frontier region, authorize collective fines, preventive arrest, and the uprooting of villages, and there is no provision for an appeal to the courts.

The ending of martial law has forced Ayub to give ground on minor points. The government has freed a growing number of political prisoners and accepted the need for more liberal security laws. However, Ayub still remains firm on the main issue. He has attacked the motives of those who are concerned about fundamental rights and stated quite clearly his own conviction, reflected in the constitution, that the National Assembly itself, and not the courts, should serve as guardian of the public interest. And to make certain that his views will be powerfully represented within the judiciary, Ayub has appointed his chief legal and constitutional adviser, ex-Foreign Minister Manzur Qadir, to be the new Chief Justice of the West Pakistan High Court.

Future Prospects

President Ayub is headed for a critical test of his leadership when he returns from his present trip abroad. A good deal will depend on his personal attitude. Unfortunately, there are discouraging signs both in his public utterances and in confidential reports that his natural self-assurance has turned to arrogance. On the other hand, some flexibility is apparent in his July appointment of a Franchise Commission to study the effectiveness of the basic democracies system in reflecting public opinion. This measure may encourage the Bengalis to be patient in their determination to revise the constitution. However, it is not likely that Suhrawardy, the most effective and seasoned Bengali politician, would cooperate with Ayub and join any government of national union which might be set up to tide Pakistan over its current difficulties. No matter how Ayub's propaganda

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may attempt to picture the present constitution, it will still appear to East Pakistanis as just another version of the unwritten maxim of Pakistani domestic politics that a Bengali must never be permitted to run the country.

There is cause for speculation, too, about the attitude of the military. The disgruntlement of General Jilani is but one instance of the dissatisfaction evident among senior Pashtun officers. A general falling off of regard for Ayub within the army and contacts of an anti-Ayub nature between military officers and politicians have also been reported. In addition, Ayub's assignment of his political "dirty work" to social elements with a criminal reputation must be tending to diminish his prestige in the army's eyes. Should martial law again be imposed in Pakistan -- and some of Ayub's followers have made such threats in order to bring the politicians to heel -- it is doubtful that Ayub could rely on the unified support of the armed forces.